

Notice of Allowability

Application No.

10/673,723

Examiner

Jimmy T. Nguyen

Applicant(s)

PEARSON ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/6/06.
2. ☒ The allowed claim(s) is/are 1,5,6 and 9.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

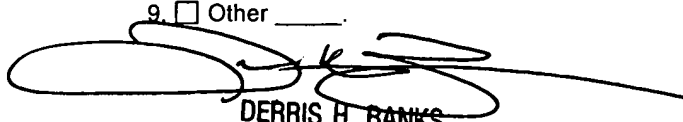
* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


DERRIS H. BANKS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Mitchell Weinstein on June 19, 2006.

The application has been amended as follows:

In claim 1, last line:

After the word "rotates", the following words have been added --- , wherein the winder arm is mounted to the strapping machine frame about a pivot, the winder arm is biased by a spring operably connected to the winder arm intermediate the pivot and a free end of the winder arm, and wherein the winder arm includes a roller mounted to the free end thereof, and the roller configured to rest against the winder ---.

Claims 2-4 have been canceled.

In claim 5, line 1:

The numeral reference "3" has been changed to --- 1----.

In claim 6, last line:

After the word "rotates", the following words have been added --- , wherein the winder arm is mounted to the strapping machine frame about a pivot, the winder arm is biased by a spring operably connected to the winder arm intermediate the pivot and a free end of the winder

arm, and wherein the winder arm includes a roller mounted to an end thereof, and the roller configured to rest against the winder ---.

Claims 7-8 have been canceled.

In claim 9, line 1:

The numeral reference "7" has been changed to --- 6----.

Allowable Subject Matter

Claims 1, 5, 6 and 9 are allowed.

The following is an examiner's statement of reasons for allowance:

Claims 1 and 6 are allowable because the art of record, considered alone or in combination, neither anticipates nor renders obvious a winder arrangement having a winder arm configured *to remain in contact with a winder peripheral strap path as the winder is rotates, and the winder arm includes a roller mounted to the free end thereof, and the roller configured to rest against the winder*, in combination with the rest of their respective claimed limitations.

Note that the amended limitations of a "slit, biased, non-detented" (claim 1) and "the winder including a biasing spring and being non-detented" (claim 6) do have support in figure 3. One skill in the art would observe the drawing in figure 3 and recognize that the winder (68) as shown in figure 3 is a slit, biased, non-detented winder based a central strap path of the winder, a spring on the winder and the circular shape of the winder. Therefore, the added limitations are not new matter.

Both of US 6,708,606 to Bell, Jr. and US 4,605,456 to Annis, Jr. disclose a detented winder. Therefore, these references fail to anticipate the invention as claimed in claims 1 and 6.

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There is no suggestion from these references to modify their winder to a non-detented winder because such modification would eliminate the winder arm and destroy the references.

US 6,367,376 to Bobren discloses a strapping machine having a split, biased, non-detented winder (12), and a winder arm (18). Bobren discloses that the winder arm (18) is disposed generally toward the winder (col. 3, line 25). Bobren does not teach the winder arm configured to remain in contact with the winder peripheral strap path as the winder rotates or even suggest a roller mounted to the winder arm and rest against the winder. Therefore, claims 1 and 6 contain allowable subject matter.

None of the prior art of record alone or combination thereof discloses the claimed invention as claimed in claims 1 and 6. Therefore, it is concluded by the Examiner that claims 1, 6 and their dependents are allowable.

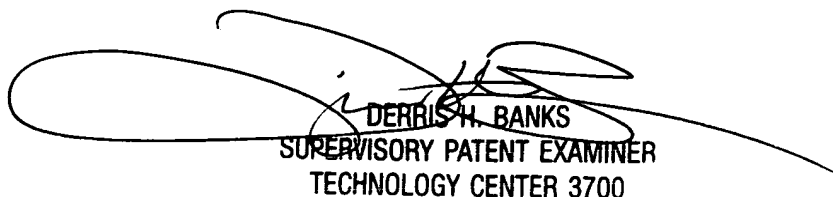
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy T. Nguyen whose telephone number is (571) 272-4520. The examiner can normally be reached on Mon-Thur 8:00am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (571) 272- 4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JTNguyen
June 16, 2006


DERRIS H. BANKS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700